IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WAYLAND GIBSON,

Defendant.

______________________________________/

No. CR 11-00734 WHA

ORDER SCHEDULING ORDER TO SHOW CAUSE HEARING

On March 23, 2012, defense counsel submitted an ex parte application for an order to show cause why San Francisco Police Department and Attorney Ronnie Wagner should not be held in contempt for noncompliance with a subpoena *duces tecum*. Defense counsel seeks compliance with a subpoena *duces tecum* issued by defendant to SFPD custodian of records Ronnie Wagner to produce, by March 13, 2012, "Any and all documents reflecting any CLETS, JUSTIS, or other computer searches conducted on June 26, 2010 for Kenneth Brown . . . and Wayland Gibson . . . including but not limited to documents identifying the login information, badge number, name of the searching individual, time of the searches, as well as a copy of any and all search results generated by the search(es)." SFPD never moved to quash this subpoena.

On March 23, the Court received a document from SFPD titled "San Francisco Police Department's index of records produced to defendant Gibson pursuant to Court order." In relevant part, the document states, "SFPD Legal Division has made multiple requests for any responsive records to defendant's inquiry for CLETS searches at Bayview Police Station for Kenneth Brown on June 26, 2010. To date we have not received any responsive records."

Attorney Wagner is ordered to appear in Court at **7:30 A.M. ON MARCH 27, 2012**, to show cause why SFPD has failed to comply with the above-stated subpoena, which includes a request for documents for defendant Wayland Gibson.

IT IS SO ORDERED.

Dated: March 26, 2012.

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California